

Case No. SP-04050

Applicant: Summit Properties, Inc.

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND,
SITTING AS THE DISTRICT COUNCIL

ORDER AFFIRMING PLANNING BOARD DECISION

IT IS HEREBY ORDERED, after review of the administrative record, that the decision of the Planning Board in PGCPB No. 04-301 (C), to approve with conditions a detailed site plan for 508 apartments and associated parking and loading facilities, on property described as approximately 10.5267 acres of land in the M-X-T Zone, located on the west side of Baltimore Avenue approximately 0.2 miles north of the Capital Beltway, College Park, is hereby:

AFFIRMED, for the reasons stated by the Planning Board, whose decision is hereby adopted as the findings of fact and conclusions of law of the District Council in this case.

Affirmance of the Planning Board's decision is subject to the following conditions:

1. Prior to the issuance of a building permit, the applicant shall file a plat of correction to include a note indicating that a permanent cross-parking easement exists on the commercial/office and the restaurant parcels. The cross-parking easement shall not be effective during business hours (8:00 a.m. to 8:00 p.m.). Alternatively, the applicant may obtain a Departure from Parking and Loading Standards from the City of College Park.
2. Prior to signature approval of the plans, the applicant shall provide an exhibit and evidence of an agreement with the applicant of DSP-04051 to delineate the cross-parking easement to be in effect from 8:00 p.m. to 8:00 a.m. for the use by multifamily residents and their guests for a total of 171 spaces. Alternatively, the applicant may seek a Departure from Parking and Loading Standards from the City of College Park.
3. Prior to certification of the detailed site plan, the TCPII shall be revised as follows:
 - a. In the signature approval block refer to TCPII/134/01-01.
 - b. Have the qualified professional who prepared the plan update the revision box, sign and date it.

4. Three original, executed recreational facilities agreements (RFAs) or similar alternative shall be submitted to the Development Review Division (DRD) for its approval, three weeks prior to a submission of a grading permit. Upon approval by DRD, the RFA shall be recorded among the land records of Prince George's County, Upper Marlboro, Maryland. The RFA shall provide for the completion of the swimming pool, two picnic areas (one of which is a hearth and seating areas), and one putting green prior to issuance of the certificate of occupancy by the Department of Environmental Resources for the 301st apartment within the overall development. Prior to issuance of the final certificate of occupancy, the remaining recreational facilities shall be completed.
5. The applicant shall submit to DRD a performance bond, letter of credit, or other suitable financial guarantee, in an amount to be determined by DRD, within at least two weeks prior to applying for building permits.
6. The applicant, his successors, and/or assignees shall provide private recreational facilities in accordance with the standards outlined in the *Parks and Recreation Facilities Guidelines* and details and specifications of the facilities shall be provided prior to signature approval of the plans. The recreational facilities shall be as follows:

Indoor recreational facilities:

Fitness/exercise equipment
 Climbing wall
 Billiards room
 Shuffle board and game room

Outdoor recreational facilities:

Swimming pool
 Four picnic areas (one of which is a hearth and seating area)
 1,500 linear feet of six-foot-wide concrete sidewalk
 One grass croquet/bocce court
 Three fitness stations
 One putting green
 One multiage playground combination
 One climbing boulder

7. Prior to issuance of the first building permit, the applicant shall make a payment of \$50,000 for extension of the Little Paint Branch stream valley trail. These funds may be used for feasibility studies, design and construction.
8. Prior to the issuance of a building permit, the applicant shall pay a pro-rata share of the cost of a transit study not to exceed \$10,000.

9. In the event a new or enhanced US 1 shuttle service is operational and serving the property at the time of issuance of the use and occupancy permit for the project, the applicant shall make financial contributions to assist with funding of the service. In the event that a new or enhanced US 1 shuttle service is not operational and serving the property at the time of issuance of the use and occupancy permit for the project, the applicant shall provide a private shuttle bus for project residents to and from the Greenbelt Metrorail station. The private service shall operate between the hours of 6:00 and 9:30 a.m. and 3:30 and 7:30 p.m., and shall operate at a frequency of no less than 30 minutes. The service shall utilize vehicles with a capacity of approximately 15 passengers and be free to residents. Specifications and financial assurances for the service shall be provided at the time of building permit. The applicant shall survey their residents concerning commuting patterns and habits and share this information with the City of College Park. Service to additional locations may be provided if warranted by the results of the survey of residents conducted by the applicant. The applicant shall provide information on the shuttle service in any marketing or leasing brochure prepared for the project.
10. In consultation with the City of College Park, the applicant shall make a good faith effort to execute a memorandum of understanding with the University of Maryland that prohibits UM students residing in the project from obtaining on-campus parking permits.
11. The city understands that the applicant has entered into an agreement with Roadside Development, LLC ("Roadside") pursuant to which Roadside is responsible for Condition 10 of the resolution of approval of the conceptual site plan, requiring funding for landscaping in the US 1 median, not to exceed \$55,000. This condition shall be fulfilled by Roadside within nine months of approval of the DSP. In the event of a default by Roadside, applicant agrees that it will be primarily responsible for fulfilling this condition.
12. Prior to certificate approval of the plans the applicant shall provide plans to revise the landscaping for the circle on IKEA Center Drive and shall identify the party responsible for maintenance of the landscaping.
13. Prior to signature approval, the applicant shall revise the plan to incorporate bicycle racks in each garage accommodating a minimum of 50 bicycles.
14. Prior to signature approval the applicant shall revise architectural plans to include columns or other architectural features to enhance the prominence of the building entrance to the secondary club house at the end of "Main Street."
15. In the event Summit Properties, Inc. or its successors or assignees determine to establish a condominium regime under which units may be individually sold, Summit Properties, Inc., to the reasonable satisfaction of the City of College Park, will include provisions in the condominium documents, not subject to amendment, ensuring unitary management of the common areas by a professional management company, not owned or operated by any unit owner, prescribing a model lease for units which may be individually leased,

requiring notice to proposed tenants of city ordinances relating to tenant rights and obligations and requiring unitary maintenance and management services to monitor and enforce tenant compliance with lease obligations and the city noise, nuisance and parking ordinances.

16. Prior to the approval of building permits, a certification by a professional engineer with competency in acoustical analysis shall be placed on the building permits stating that building shells of structures within prescribed noise corridors have been designed to reduce interior noise levels to 45 dBA (Ldn) or less.
17. The plans shall be revised prior to signature approval to include the following:
 - a. Six-foot-wide sidewalks shall be constructed along both sides of the main street, and shall incorporate brick detailing or shall be entirely brick pavers. Details and specifications shall be shown on the plans.
 - b. The architectural elevations shall be revised to include additional brick on the facade visible from South Drive to equal no less than 60 percent brick.
 - c. The landscape plan shall be revised to adjust the Section 4.1 schedule and shade trees shall be provided, in consultation with the Urban Design Section, where the massiveness of the structure should be softened with substantial planting materials. Additional changes to the plans shall be made to complement the site features, to provide more foundation plantings, and more attention to detail shall be provided. The selection of plant material shall be reviewed and agreed upon by staff and the applicant.
 - d. The swimming pool size shall be revised to indicate 1,120-square-foot pool, two lanes for lap swimming, and provide for a capacity of 75 persons.
 - e. Details and specifications for all fencing, lighting and retaining walls proposed on the site plan shall be provided.
 - f. All play equipment shall be shown on the plans, including resilient surfacing and fall zones.
 - g. Incorporate Exhibits 1, 2 and 3 of the parking calculations into the plans.
 - h. The architectural elevations shall indicate the materials and color.

18. In consideration of other priority transportation projects to be funded in the vicinity of the subject property, the \$1,850,000 fee-in-lieu payment required under condition 9.c. of CSP-96049/02 shall be reduced by \$400,000. This \$400,000 shall be paid as a lump sum to the County prior to issuance of the first building permit as a contribution toward a portion of the cost of CIP No. FD664201 for Montgomery Road improvements.
19. In lieu of condition 18, the applicant may construct Cherry Hill Road improvements (condition 9.c. of CSP-96049/02) as required by SHA; however, before the issuance of the first building permit, the applicant shall pay \$400,000 as a lump sum to the County prior to issuance of the first building permit as a contribution toward a portion of the cost of CIP No. FD664201 for Montgomery Road improvements. If the improvements cannot be constructed within a reasonable time, and if SHA agrees to payment of the fee-in-lieu, then the fee shall be paid as provided in condition 18 above.

Ordered this 14th day of March, 2005, by the following vote:

In Favor: Council Members Dean, Bland, Campos, Harrington, Knotts and Peters

Opposed:

Abstained:

Absent: Council Members Dernoga, Exum and Hendershot

Vote: 6-0

COUNTY COUNCIL OF PRINCE GEORGE'S
COUNTY, MARYLAND, SITTING AS THE
DISTRICT COUNCIL FOR THAT PART OF
THE MARYLAND-WASHINGTON
REGIONAL DISTRICT IN PRINCE GEORGE'S
COUNTY, MARYLAND

By: _____
Samuel H. Dean, Chairman

ATTEST:

Redis C. Floyd
Clerk of the Council